

*L. Parker*  
*9-17-00*  
*#7/P*  
*Am H.B.*

PATENT  
Attorney Docket No. 6530.0008-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Charles R. SLATER

**Rule 53(b) Divisional of:**

Serial No.: 08/806,386

Filed: January 18, 2000

For: BIPOLAR ENDOSCOPIC  
SURGICAL SCISSOR BLADES  
AND INSTRUMENT  
INCORPORATING THE SAME

Parent Information:

Group Art Unit: 3309

Examiner: Unknown

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**PRELIMINARY AMENDMENT**

Prior to the examination of the above application, please amend this application  
as follows:

**IN THE CLAIMS:**

Please cancel claim 1 and add the following new claims:

~~1~~40. An electrosurgical cutting device comprising an instrument body, first and  
second cutting blades at least one of which is pivotally mounted on the body to execute  
a scissor action with respect to the other blade, and electrical supply conductors  
associated with the body for supplying an electrosurgical voltage to the first and second  
blades, wherein the first blade is a composite blade comprising a conductive outer

B 1  
LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, D. C. 20005  
202-408-4000

electrode, an inner conductive layer and, sandwiched between the outer electrode and the inner layer, an insulating layer, the supply conductors being connected respectively to the outer electrode and to the inner layer.

*Cancelled per  
Interview Summary  
Page No. 8 NP  
B/H  
cont.*

~~41. A device according to claim 40, wherein one of the supply conductors is connected directly to the inner layer.~~

42. A device according to claim 40, wherein one of the supply conductors is coupled to the second blade and is electrically connected to the inner layer of the composite first blade by electrical contact between the second blade and the inner layer.

43. A device according to claim 42, wherein the second blade has a conductive body which is in electrical contact with the inner layer of the composite first blade, and wherein said one supply conductor is connected to the conductive body so that the conductive body is electrically connected in series between said one supply conductor and the inner layer.

44. A device according to claim 40, wherein each blade has a cutting edge which is so oriented that the blades can execute a progressive shearing action, each cutting edge being formed of a metallic material.

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, D. C. 20005  
202-408-4000

45. A device according to claim 40, wherein the second blade has an entirely metallic body and its cutting edge is formed on the metallic body.

46. A device according to claim 40, wherein both blades are pivotally mounted on the instrument body.

31 cont

47. A device according to claim 40, wherein each blade comprises an elongate member having an outer surface, an inner shearing surface, and a cutting edge running along the blade and defining a boundary between the shearing surface and the outer surface along one side of the shearing surface, wherein the blades are so mounted on the instrument body that their respective cutting edges execute a progressive shearing action as the blades are moved to a closed configuration with the shearing surfaces in a face-to-face relationship, wherein the outer surface of the composite first blade defines a cutting face running along the blade adjacent to its cutting edge, each of the inner conductive layer, the insulating layer and the outer electrode being exposed along the cutting face with the shearing surface being formed, at least adjacent to the cutting edge, on the inner conductive layer.

48. A device according to claim 47, wherein the second blade has a conductive body and also has a cutting face running along the blade adjacent to its cutting edge, the conductive body being exposed at least at the cutting edge and along the cutting face.

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, D. C. 20005  
202-408-4000

49. A device according to claim 48, wherein the conductive body of the second blade is exposed over at least a major part of the shearing surface of that blade.

50. A device according to claim 47, wherein the outer electrode, the insulating layer and the inner conductive layer of the composite first blade are each exposed along an electrosurgical cutting surface which forms part of said outer surface of the composite first blade running along that blade adjacent to the shearing surface of that blade.

51. A device according to claim 50, wherein the electrosurgical cutting surface extends along the composite first blade adjacent to the opposite side of the shearing surface of that blade from the cutting edge, and wherein the blades are so shaped and mounted that, in their closed configuration, the cutting edge of the second blade runs along the shearing surface of the composite first blade and is spaced from the composite first blade electrosurgical cutting surface.

#### REMARKS

By this Preliminary Amendment, Applicant has canceled claim 1 and added new claims 40-51. New claims 40-51 copy claims 1-12 of U.S. Patent No. 5,860,975, issued on January 19, 1999. Applicant requests examination of pending claims 40-51.

LAW OFFICES

FINNEGAN, HENDERSON,  
FARABOW, GARRETT,  
& DUNNER, L.L.P.  
1300 I STREET, N. W.  
WASHINGTON, D. C. 20005  
202-408-4000